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**SOUTHERN RENT ASSESSMENT PANEL AND  
LEASEHOLD VALUATION TRIBUNAL.**

**In the matter of section 9 and section 27 of the  
Leasehold Reform Act 1967 (as amended)**

**And in the matter of 11 Perrymead Worle Weston-super-Mare Somerset BS22 7FB.**

**Case Number:** CHU/00HC/OAF.20005 / 0006.

**Upon the application of Tracey Carolyn Vincent ("the Applicant")**

**Inspection and initial consideration** 18 March 2005.

**Final consideration** 26 April 2005

The matter was considered in the light of written representations without a hearing.

**Decision of the Tribunal**

Issued.

**Tribunal**

Mr R L Sansbury (Chairman)  
Mrs M Hodge BSc MRICS.

## Decision.

1. The tribunal has determined for the reasons set out below that the price payable by the Applicant for the freehold reversion in this matter is the sum of £980.

## Reasons.

2. 11 Perrymead ("the property") is a mid-terrace two-storey house. It stands on a development of properties at Worle that were built in or about 1987. It is of brick cavity construction under a tiled roof, and has a small garden. There is no garage but the property has an allocated parking space  
The accommodation comprises a small entrance hall, lounge, and fitted kitchen/diner on the ground floor and on the first floor the landing, two bedrooms and a bathroom. The property has all mains services and the ownership of a footpath leading from the back garden of the property. The tribunal found on inspection that this footpath was overgrown and an old door and a washing machine had been 'dumped' on it.
3. The property is built upon part of the land demised by a sixteenth century lease, of which the tribunal understands no copy is now known to exist. The demise was in favour of John and Isabel Thomas for a term ("the term") expiring in 2057 at an annual rent of £1-6-9d (£1.34). The tribunal is informed that no rent is paid by the lessees of the property under this lease. The whereabouts of the lessors or beneficiaries under this lease are now unknown.
4. The Applicant holds the property for the residue of the term. No rent is paid. The property is subject to restrictive covenants contained in a Transfer dated 20 November 1987 and made between (1) Second city (South West) Ltd and (2) Stephen Barber and Lisa Michelle Barber.
5. The Applicant originally applied to the Weston-super-Mare County Court to have the property vested in her pursuant to section 27 of the Leasehold Reform Act 1967 (as amended) ("the Act"), which deals with applications where the whereabouts of the landlord are unknown, on terms to be determined by this tribunal on 10 February 2005. The amount that the tribunal is to determine is the 'appropriate sum' defined in section 27 (5) of the Act as follows:  
  
'The appropriate sum which, in accordance with sub-section (3) above, is to be paid into Court is the aggregate of:  
(a) such amount as may be determined by (or on appeal from) a leasehold valuation tribunal to be the price payable in accordance with section 9 above, and  
(b) the amount or estimated amount as so determined of any pecuniary rent payable for the house and premises up to the date of the conveyance which remains unpaid.'
6. Section 9 of the Act sets out in detail the assumptions to be made and the procedure to be followed in carrying out the valuation. The effect of section 27 (2) (a) is that the valuation date is the date on which the application for an Order was made to the Court. The tribunal took the view that that was the date on which the application was issued in the Court office and accepted the evidence of the Applicant's solicitors in their letter of 12 April 2005 that such date of issue was 10 February 2005 ("the valuation date"). It happens that this does not affect the evidence of Messrs Stephens & Co (see below) since their valuation was as at 14 February 2005 ie only four days later.
7. There was before the tribunal a valuation report by Messrs Stephens & Co, Chartered Surveyors, that adopted the 'standing house' method of calculation. The tribunal is

satisfied that that is an appropriate approach in the present case. There is unlikely to be evidence of sales of vacant sites because the area in which the property stands has been fully developed for some years. The standing house value requires an assumption that the property is freehold, has been fully modernised and is in good condition.

- 8 For the purpose of establishing the standing house value of the property on the valuation date, Messrs Stephen & Co had supplied details of four comparable properties as follows:-

15 Perrymead sold in June 2004 for £102,000  
16 Perrymead sold in April 2004 for £117,000.  
18 Perrymead sold in August 2004 for £119,000.  
34 Perrymead sold in September 2004 for £115,000

From these figures Stephen & Co concluded that the value of the property on the valuation date was fairly represented by a sum of £100,000. This showed a discount to reflect the fact that the property was mid-terraced and also to reflect what they described as an onerous liability for the ownership of the shared accessway to parking for a number of dwellings which they assumed to involve the liability to oversee maintenance and collect contributions from others.

- 9 It was known to members of the tribunal that the property market rose through 2004 up to about the autumn of that year when it stopped rising, and indeed probably fell slightly, but has remained static since the end of 2004. The tribunal decided that nos. 15, 16 and 18 Perrymead were not directly comparable because the sales had taken place when the market was still buoyant and they are semi-detached whereas the subject property is mid-terraced. The tribunal considered that No. 34 may be comparable though if the sale was completed in the September the price may have been agreed in mid-summer; the report indicates that the property is freehold but does not state the extent of any modernisation.

The tribunal was aware of a sale of 9 Perrymead (next door but one to the subject property) having apparently been agreed on 19 November 2004 and completed on 23 February 2005 at a price of £116,000. The tribunal noted that the initial asking price on the estate agents' particulars was £119,950.

The tribunal offered an opportunity for Stephens & Co to comment upon that transaction before making its determination. They helpfully did so by letter dated 13 April 2005 but indicated that their valuation was not affected.

- 10 The tribunal did not agree that the ownership of the shared accessway referred to by Stephen & Co and quoted in paragraph 8 above gave rise to any onerous liability as suggested.

The tribunal decided that the overgrown condition of the footpath at the rear of the property was temporary and could easily be rectified; it therefore did not affect the entirety value.

The tribunal had regard:-

- (a) to the sale price of 34 Perrymead as referred to in Stephens & Co's report (which does not however mention whether that property was mid or end terrace)